

REMARKS

Double Patenting

Claims 6-23 stand rejected as allegedly obvious under the judicially created doctrine of obviousness type double patenting over Patent No. 6,693,884 to Gutowski. ("Gutowski"). Applicant has attached hereto a terminal disclaimer pursuant to 37 CFR 1.321. Applicant respectfully requests reconsideration and withdrawal of the double patenting rejection.

Claim Rejection

Claims 17 and 18 stand rejected as allegedly anticipated by Patent No. 6,693,884 to Jensen et al. ("Jensen"). During the telephone conversation of May 5, 2005, the Examiner advised Applicant that the Jensen reference intended for examination is Patent Number 6,405,043 to Jensen (as opposed to Patent Number 6,693,884).¹ Accordingly, Applicant limits its remarks to Patent No. 6,405,043 ("the '043 patent").

The embodiment recited in Claim 17 determines the quality of service ("QOS") value for a service area by dividing the sum of the QOS values of all locations having degraded service by the sum of the QOS values of all locations in the service area. In pertinent portions, claim 17 recites:

assigning an average level of service level value to a plurality of locations having degraded service; sum the average service level values of each identified location; sum the level of service for all locations throughout the service area; and divide the sum of the average service level values by the level of service throughout the

¹ Applicant's counsel wishes to extend his gratitude to Examiner Boakye for his clarification of the reference.

service area to obtain a first value representing a measure of the quality of service for the service area. (Emphasis added.)

Jensen does not disclose nor suggest this recitation.

Jensen does not disclose nor suggest summing *only* the QOS values for those locations having degraded service, let alone teach dividing this sum by the sum of the QOS values for all locations. For at least this reason, Applicant respectfully submits that the embodiment of claim 17 is patentable over the '043 patent.

Claim 18 depends from claim 17 and is deemed patentable at least by the virtue of this dependence. Hence, additional reasons for patentability of claim 18 will not be proffered here.

The claims are in condition for allowance and a notice to this effect is respectfully requested.

CONCLUSION

While an extension of time is not deemed necessary, the Office is requested and hereby authorized to charge the appropriate extension-of-time fees against Account No. 04-1679 to Duane Morris LLP.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



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Dated: June 15, 2005